

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. BANK NATIONAL
ASSOCIATION, Litigation Trustee of the
Idearc Inc. *et al.* Litigation Trust,

Plaintiff,

V.

VERIZON COMMUNICATIONS INC.,
et al.,

Defendants.

[illegible]

CIVIL ACTION NO.
3:10-CV-1842-G

**PLAINTIFF'S EMERGENCY MOTION TO EXPEDITE BRIEFING AND
CONSIDERATION OF PLAINTIFF'S MOTION FOR LEAVE TO FILE SUR-REPLY**

Plaintiff U.S. Bank National Association, Litigation Trustee of the Idearc Inc. *et al.* Litigation Trust (the “Trust”) files this emergency motion (the “Motion to Expedite”) requesting that the Court expedite the briefing schedule for Plaintiff’s Emergency Motion For Leave to File Sur-Reply and Supplemental Evidence in Response to Verizon’s Partial Motion For Summary Judgment and Brief in Support (the “Trust’s Motion for Leave”).¹ In support, the Trust states as follows:

1. The Trust's Motion for Leave is incorporated into this motion in its entirety as if it were set forth *verbatim* herein. By way of summary, (a) Defendants Verizon Communications, Inc. and Verizon Financial Services, LLC raised new arguments in their reply in support of their Partial Motion for Summary Judgment (Doc. #282) and filed 1,000 pages of additional summary judgment evidence in support of that motion after the Trust filed its summary judgment response and (b) therefore, the Trust's Motion for Leave requests permission from this Court to file a sur-

¹ Plaintiff filed its Motion for Leave immediately before filing this motion.

reply and the additional materials that may accompany a Federal Rule of Civil Procedure summary judgment response (objections to evidence, evidence, etc...) to address Verizon's new arguments and evidence.

2. The Trust presents this Motion to Expedite on an emergency basis because the Court may currently be considering Verizon's Partial Motion for Summary Judgment and the Trust seeks leave to respond to Verizon's new arguments and evidence before the Court rules upon Verizon's Partial Motion for Summary Judgment.

PRAYER

For these reasons, the Trust requests that the Court enter an order (i) requiring the Verizon Defendants to respond to the Trust's Motion for Leave within five days (on or before May 23, 2012) and (ii) requiring the Trust to file its reply within two days after Verizon files its response, and (iii) granting all further relief the Court determines is appropriate.

Dated May 18, 2012

Respectfully Submitted,

/s/Patrick Keating

Werner A. Powers
State Bar No. 16218800
Robin Phelan
State Bar No. 15903000
Patrick Keating
State Bar No. 00794074
David Taubenfeld
Texas Bar No. 19679450

HAYNES AND BOONE LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219-7673
Telephone: (214) 651-5000
Telecopier: (214) 651-5940

Nicholas A. Foley
Texas State Bar No. 07208620
Douglas J. Buncher
Texas State Bar No. 03342700
John D. Gaither
Texas State Bar No. 24055516

NELIGAN FOLEY LLP
325 N. St. Paul, Suite 3600
Dallas, TX 75201
Telephone: (214) 840-5300
Fax: (214) 840-5301

**ATTORNEYS FOR U.S. BANK
NATIONAL ASSOCIATION
as Litigation Trustee on Behalf of the
Idearc Inc. et al. Litigation Trust**

CERTIFICATE OF CONFERENCE

On May 18, 2012, I conferred counsel for the Respondents, who indicated the Respondents do not oppose the relief requested in this Motion.

/s/ Patrick Keating

Patrick Keating

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing motion was served on the following attorneys of record and through the Court's ECF system in accordance with the Federal Rules of Civil Procedure on May 18, 2012:

T. Ray Guy
WEIL, GOTSHAL & MANGES, LLP
200 Crescent Court, Suite 300
Dallas, Texas 75201

John B. Strasburger
WEIL, GOTSHAL & MANGES, LLP
700 Louisiana, Suite 1600
Houston, Texas 77002

Philip D. Anker
Wilmer Cutler Pickering Hale and Dorr LLP
399 Park Avenue
New York, NY 10022
Philip.Anker@wilmerhale.com

/s/ Patrick Keating

Patrick Keating

D-2063568_1.DOC